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6 GOOGLE INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 FREE RANGE CONTENT, INC., a
California corporation, COCONUT ISLAND
13 SOFTWARE, INC., a Hawaii corporation,
TAYLOR CHOSE, a Minnesota resident, and
14 MATTHEW SIMPSON, a British Columbia,
Canada resident, on behalf of themselves and
15 all others similarly situated,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.
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Case No. 5:14-cv-02329-BLF

**STIPULATED REQUEST AND [PROPOSED]
ORDER TO CONTINUE CLASS
CERTIFICATION SCHEDULE**

Courtroom: 3
Judge: Hon. Beth Labson Freeman
Trial Date: March 19, 2018

1 This Stipulation is entered into by and between Free Range Content, Inc., Coconut Island
2 Software, Inc., Taylor Chose, and Matthew Simpson (“Plaintiffs”) and Google Inc. (“Google”)
3 (collectively “the Parties”), by and through their respective counsel:

4 WHEREAS, in its May 13, 2016 order (Dkt. 116), this Court granted in part and denied in
5 part Defendant’s Motion to Dismiss Plaintiffs’ Third Amended Complaint (TAC);

6 WHEREAS, Google answered Plaintiffs’ Third Amended Complaint on June 3, 2016;

7 WHEREAS, in its June 3, 2016 order (“Order”) (Dkt. 121), this Court set, among other
8 deadlines, the following schedule associated with Plaintiffs’ Motion for Class Certification:

9 Event	Date
10 Motion for Class Certification	October 6, 2016
11 Opposition to Motion for Class Certification	November 17, 2016
12 Reply in Support of Class Certification	December 22, 2016
13 Class Certification Hearing	January 19, 2017

14 WHEREAS, Civil Local Rule 6-2(a) permits parties to file a stipulation requesting an
15 order changing time that affects the date of an event or deadline set by Court order;

16 WHEREAS, the Court previously granted (1) the Parties’ Stipulated Extension of Time to
17 Respond to the Complaint and Stipulated Request and [Proposed] Order to Continue Briefing
18 Schedule (Dkt. 16); (2) the Parties’ Stipulated Request and [Proposed] Order Setting Briefing
19 Schedule and Continuing Case Management Conference (Dkt. 26); (3) the Parties’ Unopposed
20 Administrative Motion to Continue Hearing Date on Motion to Dismiss and to Continue Case
21 Management Conference (Dkt. 53); (4) the Parties’ Stipulated Request and [Proposed] Order re
22 Second Amended Complaint (Dkt. 74); (5) the Parties’ Stipulated Request and [Proposed] Order
23 to Set Briefing Schedule for Motion for Reconsideration, to Set Date for Hearing on Motion For
24 Reconsideration, and to Continue Case Management Conference (Dkt. 83); (6) the Parties’ Joint
25 Stipulation and [Proposed] Order to Continue Case Management Conference (Dkt. 98); and (7)
26 the Parties’ Stipulated Request to Continue Deadline for Google to Answer Plaintiffs’ Third
27 Amended Complaint (Dkt. 118), and the Parties have neither stipulated to nor moved for any
28

1 additional modifications of time (Declaration of Jeffrey M. Gutkin (“Gutkin Decl.”) ¶ 4);

2 WHEREAS, this is the Parties’ first request to modify the schedule related to Plaintiffs’
3 upcoming Motion for Class Certification (Gutkin Decl. ¶ 5);

4 WHEREAS, pursuant to the Federal Rules of Civil Procedure 26, 33, and 34, the Parties
5 have exchanged discovery requests, including Plaintiffs’ June 3, 2016 Amended First Requests
6 for Production of Documents (“Amended Requests”), which followed service of Plaintiffs’
7 original Requests for Production on May 25, 2016 and contain 81 separate requests for Google to
8 produce documents (Gutkin Decl. ¶ 6);

9 WHEREAS, by agreement of the Parties, Google served its objections and responses to
10 the Amended Requests on Plaintiffs on July 1, 2016 (Gutkin Decl. ¶ 7);

11 WHEREAS, in response to the Amended Requests, Google has been searching for,
12 assembling, and producing responsive documents from across multiple groups within the
13 company (Gutkin Decl. ¶ 8);

14 WHEREAS, Google’s searches have identified a large number of documents that are or
15 may be highly-sensitive and may contain Google-proprietary and other highly-confidential
16 information related to Google’s AdSense platform (Gutkin Decl. ¶ 9);

17 WHEREAS, given Google’s concerns regarding the sensitivity of the documents being
18 produced, it has taken extraordinary measures, including enlisting the services of a large group of
19 Google technical employees to review potentially-responsive documents, to help ensure that all
20 highly-sensitive documents are properly designated for confidentiality protections (Gutkin Decl. ¶
21 10);

22 WHEREAS, although Google has begun its rolling production of documents, Google
23 requires additional time to complete its document production (Gutkin Decl. ¶ 11);

24 WHEREAS, in light of the foregoing, the Parties agree that Plaintiffs will also require
25 additional time, beyond the current October 6, 2016 deadline, to prepare their upcoming Motion
26 for Class Certification (Gutkin Decl. ¶ 12);

27 WHEREAS, in addition to the foregoing reasons for this request for a short continuance,
28 Google’s counsel, Michael Rhodes, has been set to commence a two- to four-week trial in

Zenimax Media Inc. v. Oculus VR, LLC, Civil Case No. 3:14-cv-01849-P, in the Northern District of Texas, beginning on January 9, 2017, and he will likely be unavailable for the currently-scheduled Class Certification Hearing on January 19, 2017 (Gutkin Decl. ¶ 13);

WHEREAS, the Parties agree, based on the discovery requested and exchanged to date, that granting the stipulated extension of time will allow for a more complete and orderly presentation of the factual and legal issues the Court will need to resolve in connection with Plaintiffs' Motion for Class Certification, and will not have any effect on any later event or deadline already fixed by Court order (Gutkin Decl. ¶¶ 12, 14);

NOW THEREFORE, pursuant to Civil Local Rule 6-2(a), Google and Plaintiffs jointly make the stipulated request that the Court enter an order modifying the schedule for briefing and hearing Plaintiffs' Motion for Class Certification as follows:

Event	Date
Motion for Class Certification	December 22, 2016
Opposition to Motion for Class Certification	February 9, 2017
Reply in Support of Class Certification	March 16, 2017
Class Certification Hearing	April 13, 2017

IT IS SO STIPULATED.

Dated: August 31, 2016

COOLEY LLP
MICHAEL G. RHODES (116127)
JEFFREY M. GUTKIN (216083)
KYLE C. WONG (224021)

/s/ Jeffrey M. Gutkin
Jeffrey M. Gutkin
Attorneys for Defendant
GOOGLE INC.

1 Dated: August 31, 2016

HAGENS BERMAN SOBOL SHAPIRO LLP
STEVE W. BERMAN (*pro hac vice*)
ROBERT F. LOPEZ (*pro hac vice*)

4 /s/ Robert F. Lopez
Robert F. Lopez
Attorneys for Plaintiffs

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 Dated:

11 THE HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Jeffrey M. Gutkin, attest that concurrence in the filing of this document has been obtained from the other signatory. Executed on August 31, 2016, in San Francisco, California.

/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin

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